

To: Daly, Eric[Daly.Eric@epa.gov]
From: Ludmer, Margo
Sent: Thur 10/26/2017 9:51:41 PM
Subject: RE: Niagara County Radiological Sites-Editorial: EPA's failure forced lawsuit by property owners

Hi Eric,

Welcome back, and thank you for checking in. I think it would make sense for us to have a call to touch base. I am working a few hours on my flex day tomorrow to earn religious leave, so I will be in the office from 10am – 3pm. Are you available during that time to speak? Please let me know. I took a look at the letter to Scott Pruitt, and it looks fine. Thank you for sharing.

Best,
Margo

Margo B. Ludmer
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
(212) 637-3187

From: Daly, Eric
Sent: Thursday, October 26, 2017 1:58 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Subject: Niagara County Radiological Sites-Editorial: EPA's failure forced lawsuit by property owners

Good Afternoon Margo:

How are you doing? I am back from Puerto Rico and just catching up on Niagara County Rad site info.

Joe Rotola has been getting feedback on the Niagara Sites from Senator Schumer as well as from Pruitt himself. Apparently the hurricanes haven't totally outshined the sites. Attached is a letter that Joe received from Schumer and addressed to Pruitt. I was given this yesterday and asked to draft a response (Attached). It is due tomorrow, so I just submitted it to Joe.

Also, please see recent article on Niagara County Radiological Sites. Are you aware of the lawsuit details? Hope all is well

[Buffalo News Niagara County Lawsuit 10-24-2017](#)

Editorial: EPA's failure forced lawsuit by property owners

By News Editorial Board | *Published October 24, 2017* | *Updated October 24, 2017*

Perhaps suing the alleged polluters is the way forward in finally getting radioactive hot spots in Lewiston and Niagara Falls cleaned up.

Talk of cleanup has been going on for 40 years, and the waste remains.

The owners of those contaminated properties have had enough and decided to sue in federal court in Buffalo. Few could blame them.

Sen. Charles E. Schumer sounded an alarm last week about the Environmental Protection Agency abruptly stopping cleanup efforts. Whether it is lack of funding or the current political environment hindering the agency, there is something fundamentally wrong.

The senator was pointing out that the agency had suddenly stopped work at the three hot spots contaminated by radioactive waste byproducts from previous industrial uses. As he said at the time, “EPA just packed up the trucks, abandoned the sites, abandoned homeowners and residents here in Lewiston.”

It led to uncertainty and worry among families living near the sites: a parking lot at a bowling alley on Niagara Falls Boulevard, a lot adjacent to Holy Trinity Cemetery and a residential site on Upper Mountain Road.

John G. Horn, a lawyer for the property owners, said they became frustrated waiting for the EPA. They decided to take it to the next level by appropriately targeting the polluters.

The suit calls for monetary damages from companies it identifies as polluters: Union Carbide Corp., Occidental Chemical Corp. and Bayer Cropscience Inc.

The suit blames the high level of radiation detected at the sites on the companies’ past practice of using radioactive waste as fill material.

The property owners felt they had nowhere to go but court. If the companies are to blame, they, not taxpayers, should foot the bill for the cleanup.

The suit says the three companies had a part in the “reckless and deliberate practice of disposing of radioactive waste as fill during the 1960s and 1970s and should have known it would create a public health risk.”

The problem with a lawsuit is that it could take years to wind its way through the clogged federal court system in Western New York. But if the EPA refuses to do its job, there is little for residents to do but await a verdict. The damage has been done; someone needs to take responsibility.